

TOWN OF NORTHFIELD, VERMONT
SELECT BOARD SPECIAL MEETING
Minutes of July 19, 2021

- I. ROLL CALL.** Select Board Chair K. David Maxwell, Board members Julie H. Goodrich, Nathaniel Miller (absent), Charles Morse, and John Stevens. Also present were Town Manager Jeff Schulz, Acting Clerk Kenneth McCann, Lawton Rutter (Town Health Officer), Drew Allard, William Allard, Valerie Fisher, Katherine Cunningham, Emma Fisher, and Carolyn Stevens.

Chair Maxwell called the special meeting to order at 7:00 p.m. Members of the public had the option of attending the meeting either in person or remotely through Go-to-Meeting.

- II. PUBLIC PARTICIPATION (Scheduled):** None.

III. BOARD OF HEALTH HEARING

- a. Appeal of Emergency Health Order.** Chair Maxwell reconvened the hearing, which had been recessed at the last regular meeting (07/13/21). Drew Allard owns a house located at 94 North Street that has been configured into two (2) rental units. He purchased the property over a year ago with the intention of evicting one of the tenants and moving into that unit himself after repairs and renovations had been done. Due to the COVID-19 moratorium on evictions, this plan has been delayed for several months and there has been a breakdown of communication with the affected tenant (Valerie Fisher). This has made it very difficult to perform the planned work inside the building as he has had difficulty gaining access to this rental unit. Mr. Allard said the building exterior is in good condition. He was made aware today that heavy rains caused part of the unit's ceiling to collapse last night. If provided access, he would like to start repairs as soon as possible as a prelude to moving into the unit himself. Chair Maxwell asked the Select Board members if they had any questions for Mr. Allard. Board member Goodrich understands that it can be difficult for a landlord to effect repairs to a rental unit when access is not provided and full rent is not being paid. She asked if Mr. Allard has addressed any of the items cited in the emergency health order. Mr. Allard said he has removed the trash that was located outside the building and installed new trash receptacles. He has tried to contact Ms. Fisher in order to obtain access to make some interior repairs but has been unsuccessful. Board member Morse asked if Mr. Allard has the skills to make some or all of the repairs himself. Mr. Allard confirmed he did and added that if he were provided access to the unit, the repairs would be done within forty-eight (48) hours. Board member Morse asked if there was a written lease agreement for the rental unit. Mr. Allard said there was not but said he informed Ms. Fisher right after he purchased the building of his intention to move into the rental unit. Chair Maxwell asked if all the exterior violations had been addressed. Mr. Allard confirmed that they had. Chair Maxwell then asked about the "red tagged" furnace that heats the rental unit. Mr. Allard said that is inside the rental unit and he has not been allowed access by Ms. Fisher. Ms. Fisher said that after the inspection performed by Deputy Health Officer Chris Golder that led to the Emergency Public Health Order, Mr. Allard also installed smoke alarms and carbon monoxide detectors in the rental unit. She confirmed that new trash receptacles have been placed outside the building but said they are already overflowing with garbage. Ms. Fisher doubts that Mr. Allard has ever contracted with a trash removal service. She added that she sometimes refused Mr. Allard entry into the unit as he had been beating on the door in a violent manner and also was sometimes abusive on the telephone.

Ms. Fisher said Mr. Allard has harassed her on several occasions including telling her neighbors not to assist her with snow shoveling, etc. She does plan to move out of the rental unit but remains on the waiting list for subsidized public housing. She had been near the top of the list for local public housing but this ended when Mr. Allard informed state housing authorities that he had difficulty collecting her rent. Mr. Fisher said she does respond to voice mail but Mr. Allard himself is not always available when she returns his calls. She believes Mr. Allard is a "scary" person who has been engaging in "constructive eviction" by creating unsafe living conditions in order to force her to move out without the need to follow proper eviction procedures. Ms. Fisher said she has paid as much rent as she could each month. Chair Maxwell asked if the Select Board members had any questions for Ms. Fisher. Board member Morse asked Ms. Fisher if she had a lease agreement with the previous property owner. Ms. Fisher said she did for the first couple years living there but this later became a month-to-month agreement. She added that her previous landlord did try to address problems with the rental unit. Ms. Fisher has been looking for public housing for some time but this has been difficult due to greater demand during the pandemic. She said the fact that she currently has accommodations counts against her. Ms. Fisher doesn't believe herself to be a bad person so she cannot understand why Mr. Allard has treated her so poorly with lack of proper heating, etc. As she said previously, she believes this poor treatment is designed to make her move out regardless of the eviction process. Board member Morse said both the Deputy Health Officer and Mr. Allard have said it has been difficult to gain access to the apartment. Ms. Fisher said this was not accurate. Board member Morse asked Ms. Fisher if she would allow Mr. Allard entry so he can fix the now-damaged ceiling. Ms. Fisher said she would. She added that Mr. Allard actually was the one who did not keep appointments he made to fix problems in the rental unit. She felt her living conditions have been substandard during her entire time there. Ms. Fisher said she probably would have moved out already if Mr. Allard hadn't "shot himself in the foot" by informing state housing authorities regarding her nonpayment of rent. Board member Morse didn't feel Mr. Allard should be expected to lie if asked a direct question by state authorities. Ms. Fisher understands that but also feels there should be some consequences for Mr. Allard's poor behavior.

Chair Maxwell asked if the Select Board members had any follow-up questions for Mr. Allard. Chair Maxwell asked Mr. Allard if the eviction notice was in place. Mr. Allard said it was first issued several months ago but no action took place due to the aforementioned moratorium. Since the moratorium was lifted last week (07/15/21), Mr. Allard will be issuing a new eviction notice in a few days. He will go through the proper procedure with certified mail notifications, etc. Mr. Allard then went back to the call he received from state housing authorities. He said he was asked a number of questions that he answered honestly. The last question was whether he would recommend Ms. Fisher as a tenant for another landlord. Given the fact that she had not paid rent for several months, Mr. Allard felt he had to tell the truth and state he would not. It was right after this that he received a call from Ms. Fisher in which she made the statement that he had "shot himself in the foot." Mr. Allard said he has documented all the actions he has taken to date and doesn't consider himself to be a "scary person." He may have knocked on her door louder than he would in most circumstances but this was only after receiving no response.

Manager Schulz said the Select Board members had three (3) options in this matter: they could uphold the Emergency Public Health Order; they could overturn the order; or they could put a hold on the order so that the cited repairs could be made and the eviction process play out.

Town Health Officer Lawton Rutter said although Deputy Health Officer Chris Golder was the primary investigator for this matter, Mr. Golder is unable to be present as he is working tonight in the CVMC Emergency Room. However, Mr. Golder has kept Mr. Rutter fully informed of this matter throughout the process. Mr. Rutter noted that his previous deputy had similar problems with the previous landlord. Mr. Rutter also has made himself available to Mr. Allard and Ms. Fisher in order to answer any questions they might have, etc. Board member Morse said it appears the problems discussed tonight have been around for some time. Mr. Rutter said the emergency order was issued because it appeared Mr. Allard had been made aware of several code violations but had taken no action. The failed furnace was a major problem that had to be addressed as soon as possible. He understands that Ms. Fisher was provided with space heaters but that was not an appropriate solution. There also were fire code violations due to improper electric extensions that also should have been quickly resolved. There was a breakdown in communication before the issuing of the emergency order but Mr. Allard has been responsive since then.

Motion by Board member Morse, seconded by Board member Stevens, to put a hold on the emergency public health order for sixty (60) days with the understanding that the cited violations would be repaired during this timeframe. **Motion passed 4-0-0.**

Katherine Cunningham lives in the building's other rental unit and she helped Ms. Fisher by taking the pictures of the ceiling damage and other problems with the rental unit. She said during her time in the apartment she saw black mold, which she considered to be a serious health concern that required more than minor repairs. Like the recent ceiling damage, Ms. Cunningham felt this was the result of the faulty roof that had been brought to Mr. Allard's attention several months ago but never addressed. She would not be surprised if black mold is now pervasive throughout the entire ceiling.

William Allard is Drew Allard's father and a building contractor. He said if there is a leak in the roof, the mold problem should be confined to that area and not throughout the building. He felt if he and his son had been provided proper access to the building, this problem would have been properly addressed some time ago. William Allard said the non-payment of about \$6,500 in rent made it difficult for Drew Allard to afford to make the needed repairs to the interior and exterior of the building. The space heaters that were provided were recognized as a stopgap before needed repairs could be made. As for the lead paint issue, William Allard said this is confined to the garage area as the other parts of the building were either repainted more recently or had siding installed. Roof repair can be very expensive and the work cannot be fully done until Drew Allard can move into the building himself and stop paying rent elsewhere.

Chair Maxwell said the Select Board members have made their decision on this matter so no further discussion is required.

IV. PUBLIC PARTICIPATION (Unscheduled). There was none.

V. ADJOURNMENT. Motion by Board member Morse, seconded by Board member Stevens, to adjourn. **Motion passed 4-0-0.**

The Board adjourned at 7:45 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

An audio recording of this meeting is available in the Town Manager's Office.

These minutes were approved at the Select Board regular meeting of July 27, 2021.